FEDERAL REGISTER

VOLUME 6 NUMBER 193

Washington, Friday, October 3, 1941

The President

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8781 OF JUNE 12,[1] 1941, REQUIRING THE FINGERPRINTING OF EMPLOYEES IN THE EXECUTIVE CIVIL SERVICE, TO PERMIT THE CIVIL SERVICE COMMISSION TO EXEMPT ANY GROUP OR GROUPS OF TEMPORARY EMPLOYEES FROM THE REQUIREMENTS THEREOF

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes, Executive Order No. 8781 of June 12, 1941, entitled, "Requiring Employees in the Executive Civil Service to be Fingerprinted", is hereby amended by the addition thereto of the following as Section 4 thereof:

SECTION 4. The Civil Service Commission is authorized, in its discretion, to exempt any group or groups of temporary employees from the requirements of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Oct. 1, 1941

[No. 8914]

[F. R. Doc. 41-7390; Filed, October 2, 1941; 10:42 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

SUBCHAPTER C—REGULATIONS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS[2]

Amendments

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress approved July 1, 1941 (Public Law 144—77th Congress) entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1942, and for other purposes" authorizing the establishment of an inspection service for farm products, the Rules and Regulations of the Secretary of Agriculture for sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (Title 7, Chapter I, Part 55 of the Code of Federal Regulations) are hereby amended as follows:

(1) Change the effective date of the regulations in this Part from October 1, 1941 to January 2, 1942.

(2) Strike out § 55.49 and insert a new section to read as follows:

§ 55.49 *Authorized use and form of grade labels for eggs.* An applicant for grading or a distributor of eggs graded by an official grader, when the official U. S. grade of the eggs is U. S. Standards (Retail Grade B), or U. S. Trades (Retail Grade C), may be authorized to use grade labels of substantially the following form, the words "Retail Grade B" or "Retail Grade C" being required on each grade label:

(a)

U. S. Government
Graded and Dated
U. S. Standards—Large (or Medium or Small)
Retail Grade B, When Graded
Date and Certificate Number
Packed by (or Distributed by)

(Name of firm or applicant)

(Address)

(b)

U. S. Government
Graded and Dated
U. S. Trades—Large (or Medium or Small)
Retail Grade C, when Graded
Date and Certificate Number
Packed by (or Distributed by)

(Name of firm or applicant)

(Address)

(Public No. 144, 77th Congress, July 1, 1941)

Done at Washington, D. C., this 1st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7398; Filed, October 2, 1941; 11:32 a. m.]

[1] 6 F.R. 2895.
[2] 6 F.R. 3266.

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FEDERAL REGISTER

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DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR HARVESTING SUGARCANE IN THE MAINLAND CANE SUGAR AREA BETWEEN SEPTEMBER 1, 1941, AND JUNE 30, 1942

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas The Secretary of Agriculture has held a number of public hearings in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the harvesting of sugarcane during the period from September 1, 1941, to June 30, 1942:

Now, therefore, I, Grover B. Hill, Acting Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.24h *Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in the mainland cane sugar area between September 1, 1941, and June 30, 1942.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in the mainland cane sugar area during the period from September 1, 1941, to June 30, 1942, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

Louisiana

(a) *Time rates.* (1) For cutting, topping, and stripping sugarcane: Adult male workers, not less than $1.65 per 9-hour day or 18.5 cents per hour; adult female workers, not less than $1.30 per 9-hour day or 14.5 cents per hour.

(2) For loading sugarcane: Not less than $2.00 per 9-hour day or 22.5 cents per hour.

(3) For cutting and loading sugarcane as a combined operation: Not less than $1.75 per 9-hour day or 19.5 cents per hour.

(b) *Tonnage rates.* (1) For green sugarcane, not less than the following rates per ton:

Variety of sugarcane	Cutting, topping, and stripping sugarcane	Loading sugarcane	Cutting and loading as combined operation
Co. 290, C. P. 29-103, or C. P. 29-116	$0.71	$0.17	$0.88
All other varieties	.82	.22	1.04

(2) For burnt sugarcane, not less than the following rates per ton:

Variety of sugarcane	Cutting and topping sugarcane	Loading sugarcane	Cutting and loading as combined operation
Co. 290, C. P. 29-103, or 29-116.	$0.55	$0.17	$0.72
All other varieties	.60	.22	.82

Florida

(c) *Time rates.* For cutting, topping and stripping sugarcane: Adult male workers, not less than $2.20 per 9-hour

day or 24.5 cents per hour; adult female workers, not less than $1.75 per 9-hour day or 19.5 cents per hour.

(d) *Tonnage rates.* For cutting and loading sugarcane as a combined operation, not less than the following rates per ton:

Type of sugarcane	Green sugarcane	Burnt sugarcane
Small barrel	$1.31	$1.06
Medium barrel	1.06	.89
Large barrel	.89	.72

Louisiana and Florida

(e) *Rates for other harvesting operations.* (1) Tractor drivers and truck drivers: Not less than $2.05 per 9-hour day or 23 cents per hour.

(2) Teamsters: Not less than $1.95 per 9-hour day or 22 cents per hour.

(3) Hoist operators: Not less than $1.75 per 9-hour day or 19.5 cents per hour.

(4) Operators of mechanical loading or harvesting equipment: Not less than $2.20 per 9-hour day or 24.5 cents per hour.

(5) The following operations connected with mechanical loading: Grabmen, spotters, and ropemen, not less than $2.00 per 9-hour day or 22.5 cents per hour; pilers, not less than $1.75 per 9-hour day or 19.5 cents per hour; scrappers, not less than $1.65 per 9-hour day or 18.5 cents per hour.

(6) Other operations connected with mechanical loading and mechanical harvesting not specified above: Not less than $1.65 per 9-hour day or 18.5 cents per hour.

(7) Other harvesting operations not specifically provided for herein: Adult male workers, not less than $1.40 per 9-hour day or 15.5 cents per hour; adult female workers, not less than $1.10 per 9-hour day or 12.5 cents per hour.

(f) *Rates for harvesting operations performed by children.* (1) (i) For children between the ages of 14 and 16 years, the rate per day of 8 hours (maximum hours per day for such children) shall be not less than three-fourths of the rates established above for adult male workers for a 9-hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(ii) The piece rates for children between the ages of 14 and 16 years shall be the same as those established above for adults (except that such children shall not be so employed or permitted to work for more than 8 hours per day).

(2) *Provided, however,* (i) That the piece rate for a particular harvesting operation calculated on a basis other than prescribed in this determination shall be such as to provide earnings per 9-hour day or per hour of not less than the daily or hourly rates specified above for such operation;

(ii) That for a working day longer or shorter than 9 hours, the applicable time rate for a particular harvesting operation shall be the hourly rate specified above for such operation;

(iii) That the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals;

(iv) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(v) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full the amount agreed upon between the producer and laborer. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 1st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7347; Filed, October 1, 1941; 3:05 p. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE TERRITORY OF HAWAII FOR THE 1941 CROP, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Whereas section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carryover inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers.

Now, therefore, I, Grover B. Hill, Acting Secretary of Agriculture, do hereby make the following determination:

§ 802.36d *Proportionate shares for farms in the Territory of Hawaii for the 1941 crop*—(a) *Proportionate share for any farm.* The proportionate share for any farm in the Territory of Hawaii for the 1941 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1941.

(b) *Adherent planter protection.* The provisions of this determination shall be subject to the condition that no changes in the planter-plantation sugarcane production relationship or reduction in the number of planters shall have been made under programs carried out pursuant to the Act except such as are considered justified and approved by the Director of the Division of Special Programs of the Agricultural Adjustment Administration. (Sec. 302, 50 Stat. 910; 7 U.S.C., Supp. V, 1132)

Done at Washington, D. C., this 1st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

[F. R. Doc. 41-7348; Filed, October 1, 1941; 3:06 p. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-13-2]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

Sec.
- 913.0 Findings.
- 913.1 Definitions.
- 913.2 Market administrator.
- 913.3 Classification of milk.
- 913.4 Minimum prices.
- 913.5 Reports of handlers
- 913.6 Application of provisions.
- 913.7 Determination of uniform prices to producers.
- 913.8 Base ratings.
- 913.9 Payments for milk.
- 913.10 Marketing services.
- 913.11 Expense of administration.
- 913.12 Effective time, suspension, or termination of order, as amended.

Harry L. Brown, Acting Secretary of Agriculture of the United States of America, issued, effective September 1, 1939, Order No. 13, as amended,[1] regulating the handling of milk in the Kansas City, Missouri, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on July 26, 1939, a marketing agreement, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, would tend to effectuate the declared policy of said act, notice was given May 8, 1931, of a hearing which was held in Kansas City, Missouri, on the 14th, 15th, and 16th days of May 1941, which hearing was reopened beginning July 7, 1941, at Kansas City, Missouri, at which times and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

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[1] 4 F.R. 1722, 3759.

It is found upon the evidence introduced at the last above-mentioned hearings, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments to the order, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order and of amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 913.0 *Findings.* (a) That the enlargement of the area included in the marketing area within which handlers are subject to the order is reasonable and necessary;

(b) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sec. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(c) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(d) That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that such handling of milk in the Greater Kansas City marketing area as is in the current of interstate commerce or as directly, burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions.*

* §§ 913.0 to 913.12, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 601 et seq.

§ 913.1 *Definitions.* The following terms shall have the following meanings:

(a) The term "Greater Kansas City marketing area" hereinafter called the "marketing area," means all the territory in: Jackson County, Missouri; that part of Clay County, Missouri, south of highway 92, beginning at the Platte and Clay County line, east to the west section line of section 26 in Washington township, north to the north section line of said section 26, east to the Clay and Ray County line; Lee, Waldron, May, and Pettis townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission townships in Johnson County, Kansas; Delaware, Leavenworth, and that part of Kickapoo and High Prairie townships east of the 95th principal meridian in Leavenworth County, Kansas.

(b) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(c) The term "producer" means any person, who, in conformity with the health regulations applicable to milk sold for consumption as milk or cream in the marketing area, produces milk which is received in bulk by a handler, other than himself, at such handler's plant. The term "producer" shall include any person, who, in conformity with the above-mentioned regulations, produces milk which a cooperative association causes to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area and for which such cooperative association collects payment.

(d) The term "handler" means any person, who, on his own behalf or on behalf of others, disposes of as Class I milk or Class II milk in the marketing area all or a portion of the milk purchased or received in bulk by him at his plant from (1) producers, (2) his own production, and (3) other handlers. The term "handler" shall include any cooperative association with respect to the milk of any producer which such cooperative association causes to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area and for which such cooperative association collects payment.

(e) The term "market administrator" means the person designated pursuant to § 913.2 as the agency for the adminstration hereof.

(f) The term "delivery period" means the current marketing period from the first to, and including, the last day of each month.

(g) The term "base" means the quantity of milk calculated for each producer pursuant to § 913.8.

(h) The term "cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(j) The term "Secretary" means the Secretary of Agriculture of the United States.*

§ 913.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 913.11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 913.5 or (ii) made payments pursuant to § 913.9.

(5) Promptly verify the information contained in the reports submitted by handlers.*

§ 913.3 *Classification of milk*—(a) *Basis of classification.* All milk purchased or received by each handler shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk containing more than 1 percent butterfat, irrespective of whether under the legal standard for milk and unaccounted for milk in excess of 3 percent of the total receipts from producers, except such milk as is classified as Class II milk and as Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, except skim milk, used to produce cream, which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, flavored milk, creamed cottage cheese, creamed buttermilk, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk: used to produce butter, cheese (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for

as salvage from products where the recovery of fat is impossible; not accounted for but not in excess of 3 percent of the total receipts of milk from producers.

(c) *Interhandler and nonhandler sales.* (1) All milk sold or disposed of by a handler who purchases or receives milk from producers, to another handler or to a person who distributes milk or manufactures milk products, shall be classified as Class I milk: *Provided,* That, if such milk, except for milk disposed of by such handler to another handler who purchases or receives no milk from producers, is reported as having been utilized as Class II milk or Class III milk, by the person who received it or by the disposing handler, such milk shall be classified accordingly, subject to verification by the market administrator.

(2) All milk or cream in bulk sold or disposed of by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class III milk.*

§ 913.4 *Minimum prices.*—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay producers, at the time and in the manner set forth in § 913.9, for milk purchased or received from them not less than the following prices:

(1) *Class I milk.* $2.55 per hundredweight during delivery periods prior to May 1, 1942, and $2.20 per hundredweight during delivery periods thereafter: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief—$2.10 per hundredweight during delivery periods prior to May 1, 1942, and $1.95 per hundredweight during delivery periods thereafter.

(2) *Class II milk.* $2.30 per hundredweight during delivery periods prior to May 1, 1942, and $2.05 per hundredweight during delivery periods thereafter.

(3) *Class III milk.* The price per hundredweight which shall be calculated by the market administrator as follows: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received and add 25 percent: *Provided,* That when the market administrator ascertains the average price established by the Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas, the Franklin Ice Cream Company at its plant at Tonganoxie, Kansas, and the Milk Producers' Marketing Company at its plant at Kansas City, Kansas, or their successors, for ungraded milk of 3.8 percent butterfat content received during such delivery period and used for manufacturing purposes to be higher, then such ascertained price shall be used in lieu of the price determined by the above formula.

(b) *Sales outside the marketing area.* (1) Except as provided in subparagraph (2) of this paragraph, the prices to be paid by a handler for Class I milk and Class II milk sold or disposed of outside the marketing area, in lieu of the prices otherwise applicable pursuant to this section, shall be such prices as the market administrator ascertains are being paid for milk of equivalent use in the market where such milk is sold or disposed of: *Provided,* That in no event shall the prices for Class I milk and Class II milk sold or disposed of outside the marketing area be less than the Class III price plus 50 cents per hundredweight during delivery periods prior to May 1, 1942, or less than the Class III price plus 25 cents per hundredweight during delivery periods thereafter.

(2) The prices to be paid by a handler for Class I milk and Class II milk sold or disposed of outside the marketing area for which no prices can be ascertained on the basis provided in subparagraph (1) of this paragraph, including Class I milk and Class II milk sold or disposed of to Government institutions and establishments on the basis of bids or to a market whose dealers supply Government institutions and establishments on a basis of bids, shall be the prices for Class I milk and Class II milk set forth in paragraph (a) of this section.*

§ 913.5 *Reports of handlers.*—(a) *Periodic reports.* On or before the 7th day after the end of each delivery period, each handler who purchased or received milk from producers shall with respect to milk or cream which was purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, including receipts from such handler's own production, the butterfat content and the number of days on which milk was received from each producer.

(2) The quantity of milk received from each producer in excess of his respective base.

(3) The receipts of milk and cream from handlers who purchase or receive milk from producers and the butterfat content.

(4) The receipts of milk and cream from any other source including receipts of milk and cream completely processed and packaged for distribution to consumers from handlers who purchase or receive no milk from producers and the butterfat content.

(5) The respective quantities of milk which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 913.3.

(6) The name and address of each producer from whom milk had not been received during the previous delivery period.

(7) The sales of milk and Class II products outside the marketing area, listing the market or area in which such milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk was supplied.

(8) Such other information with respect to the above as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period, which shall show for each producer: (1) the daily and total pounds of milk delivered and the average butterfat content thereof, and (2) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(c) *Reports of handlers who receive no milk from producers.* Handlers who purchase or receive no milk from producers shall report to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) all records and facilities necessary for the verification of the information contained in the reports submitted and in the accounting for the usage of all receipts in accordance with the classification of milk as set forth in § 913.3 and (2) those facilities which are necessary for weighing, sampling, and testing of the milk of each producer.*

§ 913.6 *Application of provisions.* (a) No provisions hereof, except § 913.5 (c) and (d), shall apply to a handler who purchases or receives no milk from producers and who sells or delivers no milk in bulk to other handlers.

(b) All milk sold or disposed of completely processed and packaged for distribution to consumers by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class I milk up to the amount of such milk actually sold in the original package by the purchasing handler as bottled Class I milk; and all cream sold or disposed of completely processed and packaged for distribution to consumers by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class II milk up to the amount of such cream actually sold in the original package by the purchasing handler as bottled Class II milk.

(e) With respect to each handler, who, during the delivery period, disposed of no milk as Class III milk and received from producers milk having an average butterfat content higher than that disposed of as Class I milk or as (3.8 percent

milk equivalent of) Class II milk by such handler, the market administrator shall (1) determine the hundredweight of milk received from producers; (2) determine the hundredweight of milk disposed of as Class I milk and as (3.8 percent milk equivalent of) Class II milk; (3) if the hundredweight of milk determined in subparagraph (2) of this paragraph exceeds the hundredweight of milk determined in subparagraph (1) of this paragraph, multiply such difference in the hundredweights of milk by the difference between the Class II price and an amount obtained by multiplying by 38 the butterfat differential as provided in § 913.9 (c); and (4) add such amount to the sum obtained for such handler pursuant to § 913.7 (a).

(d) With respect to each handler who receives milk of his own production and also purchases or receives milk from producers, the market administrator, before making the computations in accordance with § 913.7, shall (1) exclude the milk purchased or received by him in each class from other handlers, (2) exclude pro rata from his remaining Class I milk and Class II milk up to but not exceeding 90 percent of the quantity of milk received from his own production, and (3) exclude from his remaining Class III milk the balance of the milk received from his own production: *Provided*, That in computing the value of milk for such handler pursuant to § 913.7, the market administrator shall not use a quantity of Class I milk and Class II milk in excess of the total quantity of milk received from producers by such handler.*

§ 913.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 913.6, the value of milk of producers disposed of by each handler who purchased or received milk from producers by (1) multiplying the quantity of such milk in each class by the price applicable pursuant to § 913.4, and (2) adding together the resulting value in each class: *Provided*, That if any handler has received milk from any producer at his plant approved by an applicable health authority for the receiving of milk to be disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, the market administrator shall: (1) determine the difference between 105 percent of such handler's total Class I milk and Class II milk received from producers and the total quantity of milk received from producers by such handler at his plant located within the marketing area during the delivery period of the next preceding calendar year when such difference was the greatest; (2) divide such difference by the number of days in such delivery period; and (3) deduct, with respect to a quantity of milk (but not in excess of the total quantity of milk received from producers by such handlers at such plant located outside the marketing area) equal to the figure computed pursuant to (2) of this proviso multiplied by the number of days in the delivery period, up to but not exceeding the amount specified for the distance of such plant from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight: *Provided further*, That if any handler has received milk from producers at more than one such plant located outside the marketing area, at one of which such plants no facilities for processing or separating milk are maintained and has received no milk from producers at his plant located within the marketing area, the market administrator shall deduct, with respect to a quantity of milk, if received, equal to 105 percent of such handler's total Class I milk and Class II milk received from producers, up to but not exceeding the amount specified for the distance of such plant from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight, such deductions shall first be made on the milk received from producers at such plant located outside the marketing area where no facilities for processing or separating milk are maintained: *Provided further*, That if such milk received at such plant located outside the marketing area is sold or disposed of to another handler who purchases or receives milk from producers, such milk shall be classified by the market administrator at the lowest class usage of such purchasing handler: *And provided further*, That if the shortest highway distance between such handler's plant located outside the marketing area and his plant located within the marketing area is lessened through a relocation of highways, to less than 30 miles, the location differential which applies on the effective date of this order, as amended, shall continue to apply.

(b) *Computation and announcement of the uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk received during each delivery period, in the following manner:

(1) For delivery periods from the effective date hereof to and including December 31, 1941:

(i) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each handler who made the reports prescribed by § 913.5 and who made the payments prescribed by § 913.9;

(ii) Add the amount of the adjustments to be made pursuant to § 913.9 (d);

(iii) Add the cash balance in his hands from payments made by handlers during the delivery period next preceding but one, to meet the obligations arising out of § 913.9 (g);

(iv) Divide by the total hundredweight of milk which is included in these computations;

(v) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(vi) On or before the 10th day after the end of such delivery period, mail to all such handlers and publicly announce (*a*) such of these computations as do not disclose information confidential pursuant to the act; (*b*) the blended price per hundredweight which is the result of these computations; (*c*) the Class III price; and (*d*) the butterfat differential computed pursuant to § 913.9 (c).

(2) For delivery periods subsequent to December 31, 1941, subject to subparagraph (3) of this paragraph:

(i) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section for each handler who made the reports prescribed by § 913.5 and who made the payments prescribed by § 913.9;

(ii) Add the amount of the adjustments to be made pursuant to § 913.9 (d);

(iii) Subtract the total amount to be paid pursuant to § 913.9 (a) (2) (ii);

(iv) Add the cash balance in his hands, from payments made by handlers during the delivery period next preceding but one, to meet the obligations arising out of § 913.9 (g);

(v) Divide by the total hundredweight of milk which is not in excess of the delivered bases of producers and which is included in these computations;

(vi) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for base milk containing 3.8 percent butterfat received from producers during such delivery period; and

(vii) On or before the 10th day after the end of such delivery period, mail to all such handlers and publicly announce (*a*) such of these computations as do not disclose information confidential pursuant to the act; (*b*) the blended price

per hundredweight which is the result of these computations; (*c*) the Class III price; and (*d*) the butterfat differential computed pursuant to § 913.9 (c).

(3) For each delivery period subsequent to December 31, 1941, during which the market administrator determines the total daily deliveries of milk to be less than 105 percent of the total daily average Class I milk and Class II milk received from producers by handlers during the next preceding delivery period, the uniform price for all milk received from producers shall be computed pursuant to subparagraph (1) of this paragraph, and the market administrator, upon such determination, shall mail notice of such change in the method of computation of the uniform price to all producers.*

§ 913.8 *Base ratings*—(a) *Determination of base.* For each delivery period subsequent to December 31, 1941, the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: multiply the applicable figure computed pursuant to subparagraph (1), (2), (3), or (4) of paragraph (b) of this section adjusted by paragraph (c) of this section by the number of days during such delivery period on which milk was received from such producer.

(b) *Determination of daily base.* (1) Effective for the calendar quarter beginning January 1, 1942, the daily base of each producer shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5 or from the best information available in the following manner:

(i) Determine for each producer who was regularly delivering milk to a handler on December 1, 1941, the average daily deliveries of milk to a handler, for the period from the effective date hereof or the date on which deliveries began, to and including December 31, 1941;

(ii) Add together in one sum all the daily average amounts computed pursuant to subdivision (i) of this subparagraph;

(iii) Determine from reports filed by handlers, who purchased or received milk from producers, pursuant to § 913.5, the average daily Class I milk and Class II milk, received from such producers and disposed of in the marketing area by such handlers during the 4th calendar quarter of the next preceding calendar year and add to such daily average an amount equal to 15 percent thereof;

(iv) Divide the amount determined pursuant to subdivision (iii) of this subparagraph by the sum determined pursuant to subdivision (ii) of this subparagraph; and

(v) Multiply the daily average amount for each producer determined in subdivision (i) of this subparagraph by the percentage figure computed pursuant to subdivision (iv) of this subparagraph. This result shall be known as the producer's daily base.

(2) Effective for each calendar quarter subsequent to March 31, 1942, subject to subparagraphs (3) and (4) of this paragraph and to paragraph (c) of this section, the daily base of each producer shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5 or from the best information available in the following manner: divide the total pounds of milk received from each producer not in excess of his base during the next preceding calendar quarter by the number of days in such quarter and take such a percentage of the result as will make the total of all figures so determined equal to 115 percent of the total daily average Class I milk and Class II milk received from such producers and disposed of within the marketing area by such handlers during the 4th calendar quarter of the next preceding calendar year. This result shall be known as the producer's daily base: *Provided,* That in case a producer is prevented by an applicable health authority, through quarantine or degrading, from delivering milk and such producer furnishes a written statement to that effect from such applicable health authority to the market administrator, the market administrator shall deduct the number of days (but not more than 30 days in any one calendar quarter) involved by such ruling of the applicable health authority from the figure representing the number of days in the calendar quarter in the determination of such producer's daily base: *Provided further,* That in case a producer, as the result of official testing for tuberculosis or Bang's disease or testing for mastitis by a recognized veterinarian loses 20 percent or more of the cows in his herd and furnishes the market administrator with satisfactory documentary evidence of such loss, such producer shall be permitted 3 months in which to replace such cows lost through such testing and the market administrator shall credit such producer with the delivery of his established base in the determination of such producer's daily base: *Provided further,* That in case the milk of a producer cannot be delivered because weather conditions of an unusual and exceptional character prevent the regular operation of estabished trucking facilities for such delivery of the milk of the producer to the plant of the handler, the market administrator shall deduct the number of days involved by such conditions from the figure repreenting the number of days in the calendar quarter in the determination of such producer's daily base: *And provided further,* That for any delivery period when the total receipts of milk from producers are equal to or in excess of 115 percent of the total Class I milk and Class II milk received from producers and disposed of within the marketing area by handlers, the market administrator shall credit each producer with the delivery of his established base in the determination of such producers' daily bases.

(3) In case a handler who distributes within the marketing area milk of his own production disposes of all or a part of his delivery routes to a handler who purchases or receives milk from producers and who becomes a producer, the daily base of such producer shall be computed by the market administrator in the following manner: determine the average daily Class I milk and Class II milk produced and disposed of, during the three months next preceding the date of the disposal of such delivery routes, on such delivery routes of such handler, which purchasing and selling handler jointly report as involved in the deal, subject to verification by the market administrator. This figure shall be known as the producer's daily base and shall be effective from the date of the first delivery of milk of his own production in bulk to a handler by such producer through the first complete calendar quarter and thereafter shall be superseded by a daily base determined pursuant to subparagraph (2) of this paragraph.

(4) In the case of a producer for whom no base is effective, the daily base of such producer shall be computed by the market administrator in the following manner: (i) For each of the first 3 delivery periods subsequent to December 31, 1941, during which milk was purchased or received by a handler at his plant from such producer, determine for such producer the average daily delivery of milk during such delivery period to a handler and multiply by 50 percent. The resulting figure for each such delivery period shall be considered as such producer's daily base for such delivery period; (ii) determine for such producer the average daily deliveries of milk to a handler, for the 3 such delivery periods and multiply by the percentage that total reported base milk deliveries were to reported total deliveries of milk by all daily base-holding producers during such 3 delivery periods. This figure shall be known as the producer's daily base, effective immediately following the third such delivery period and continuing through the first complete calendar quarter and thereafter shall be superseded by a daily base determined pursuant to subparagraph (2) of this paragraph.

(c) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall receive a daily base computed in the manner provided in paragraph (b) (4) of this section.

(2) In case a producer sells or delivers to a handler milk not of his own production as being milk of his own production, the base of such producer shall be forfeited at the beginning of the delivery period during which such milk was delivered and all milk sold or delivered to a handler by such producer during such delivery period shall be considered as excess over base. Thereafter such producer shall receive a daily base computed in the manner provided in paragraph (b) (4) of this section.

(3) If, on or before the 5th day after the transfer of a herd producing base milk, there is recorded with the market administrator an affidavit stating that such herd has been transferred listing the ear tag numbers of the animals so transferred and specifying the date of such transfer, signed jointly before a notary public by the seller and the purchaser of such herd and if, within 10 days after such affidavit is recorded with the market administrator, no written protest containing information that such transfer was contrary to the terms of this subparagraph is filed with the market administrator, the base of such producer may be transferred but only as one unit to the purchaser of such herd; if, upon investigation, the market administrator finds the terms of this subparagraph have been violated, the base of such producer shall be forfeited. No base, once transferred, shall again be transferred within 6 months of the date of the prior transfer except in case of the death of a producer.

(4) A landlord who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(5) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided*, That at the beginning of a tenant and landlord relationship the allotted base of each tenant and landlord shall be a combined base and may be divided only if such relationship is terminated.*

§ 913.9 *Payments for milk*—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler shall make payment, after deducting the amount of the payment made pursuant to paragraph (b) of this section, for not less than the total value of milk of producers received by such handler during such delivery period, computed according to § 913.7 and subject to the differentials set forth in paragraphs (c) and (d), respectively, of this section as follows:

(1) For delivery periods from the effective date hereof, to and including December 31, 1941;

(i) To producers, at the uniform price per hundredweight computed pursuant to § 913.7 (b) (1), for the total quantity of milk received from such producers.

(2) For delivery periods subsequent to December 31, 1941, subject to subparagraph (3) of this paragraph:

(i) To producers, at the uniform price per hundredweight computed pursuant to § 913.7 (b) (2), for that quantity of milk received from producers, not in excess of their respective bases; and

(ii) To producers, at the Class III price, for that quantity of milk received from such producers in excess of their respective bases.

(3) For each delivery period subsequent to December 31, 1941, during which the market administrator determines the total daily deliveries of milk to be less than 105 percent of the total daily average Class I milk and Class II milk received from producers by handlers during the next preceding delivery period, the method of payment shall be pursuant to subparagraph (1) of this paragraph.

(b) *Half delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

(c) *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall deduct from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(d) *Location differentials.* In making payments pursuant to paragraphs (a) (1), (a) (2), and (a) (3) of this section for milk received from producers at plants approved by any applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, each handler shall deduct, with respect to all milk received from such producers, the amount per hundredweight specified for the distance of such plant located outside the marketing area from such handler's plant located within the marketing area as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight: *Provided*, That if the shortest highway distance between such handler's plant located outside the marketing area and his plant located in the marketing area is lessened through a relocation of highways to less than 30 miles, the location differential which applies on the effective date of this order, as amended, shall continue to apply.

(e) *Additional payments.* Any handler may make payment to producers in addition to the payments to be made pursuant to paragraph (a) of this section: *Provided*, That such additional payments shall be uniform as among all producers for milk of the same grade and quality.

(f) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (g) and (i) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (h) and (i) of this section.

(g) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers received by such handler during the delivery period is greater than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1), (2), and (3) of paragraph (a) of this section and adding together the resulting amounts.

(h) *Payments out of producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the total utilization value of the milk of producers received by such handler during the delivery period is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1), (2), and (3) of paragraph (a) of this section, and adding together the resulting amounts. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the pro-

ducer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(i) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (g) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (h) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of less that is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.*

§ 913.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer pursuant to § 913.9 (a) (1), (a) (2), and (a) (3), with respect to all milk of such producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to § 913.9 (a) (1), (a) (2), and (a) (3), which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.*

§ 913.11 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, an amount not exceeding 2 cents per hundredweight, which amount shall be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.*

§ 913.12 *Effective time, suspension, or termination of order, as amended.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed by the Secretary, (2) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C. this 1st day of October 1941, to become effective on and after the 2nd day of October 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7354; Filed, October 1, 1941; 3:07 p. m.]

[0-35-2]

PART 935—MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA [1]

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective April 5, 1939, Order No. 35,[2] regulating the handling of milk in the Omaha-Council Bluffs marketing area, and Grover B. Hill, Acting Secretary of Agriculture, issued, effective March 2, 1941, amendment No. 1 to said order.[3]

Claude R. Wickard, Secretary of Agriculture, tentatively approved, on January 25, 1941, the marketing agreement, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Omaha, Nebraska, beginning on July 9, 1941, on a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

It is found (§ 935.0) upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendment No. 1 to the order, and being in addition to the other findings made prior to or

[1] Amendment to §§ 935.0, 935.4, and 935.8 issued under the authority contained in 48 Stat. 31, 670, 675; 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. and Sup., 601 et seq.
[2] 4 F.R. 1408.
[3] 6 F.R. 1189.

at the time of the original issuance of the order and of amendment No. 1 to the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 935.0 *Findings.* (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this amendment No. 2 to the order and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered, That the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area, be and it hereby is amended as follows:

1. Delete § 935.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* $2.65 per hundredweight during delivery periods prior to May 1, 1942, and $2.25 per hundredweight during delivery periods thereafter: *Provided,* That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.18 per hundredweight during delivery periods prior to May 1, 1942, and $1.80 per hundredweight during delivery periods thereafter.

2. Delete § 935.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* $2.00 per hundredweight during delivery periods prior to May 1, 1942, and $1.80 per hundredweight during delivery periods thereafter: *Provided,* That in no event shall the Class II price be less than the Class III price plus 20 cents.

3. Delete in § 935.4 (a) (3) the phrase "25 cents" and substitute therefor the phrase "35 cents" during the delivery periods prior to May 1, 1942, and "25 cents" during the delivery periods thereafter.

4. Amend § 935.4 (b) to read as follows:

(1) Except as provided in subparagraph (2) of this paragraph, the price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be such price as the market administrator ascertains is being paid for milk of equivalent use in the market where such milk is disposed of: *Provided,* That in no event shall the price for Class I milk sold outside the marketing area be less than the average price of the milk in the marketing area.

(2) The price for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided in subparagraph (1) of this paragraph, including Class I milk disposed of to Government institutions and establishments on the basis of bids, shall be the price for Class I milk set forth in paragraph (a) of this section.

5. Delete in § 935.8 (f) in the last full line, the phrase "34.9 cents" and substitute therefor the phrase "or more but less than 35 cents"; delete the final phrase "more than 34.9 cents" and substitute therefor the phrase "35 cents or more."

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A. No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C., this 1st day of October, 1941, to become effective on and after the 2d day of October, 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7351; Filed, October 1, 1941; 3:06 p. m.]

[O-48-1]

PART 948—MILK IN THE SIOUX CITY, IOWA, MARKETING AREA [1]

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective April 16, 1940, Order No. 48 [2] regulating the handling of milk ir the Sioux City, Iowa, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on March 7, 1940, the marketing agreement regulating the handling of milk in the Sioux City, Iowa, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement and to said order would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Sioux City, Iowa, beginning July 11, 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement and the order.

It is found (§ 948.0) upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearing on the order, and being in addition to the other findings made prior to or at the time of the original issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 948.0 *Findings.* (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to secs. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(c) That the issuance of this amendment No. 1 to the order, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered, That the order regulating the handling of milk in the Sioux City, Iowa, marketing area be, and it hereby is, amended as follows:

1. Delete § 948.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* $2.60 per hundredweight during delivery periods prior to May 1, 1942, and $2.20 per hundredweight during delivery periods thereafter: *Provided,* That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.15 per hundredweight during delivery periods prior to May 1, 1942, and $1.73 per hundredweight during delivery periods thereafter.

2. Delete § 948.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* $2.05 per hundredweight during delivery periods prior to May 1, 1942, and $1.70 per hundredweight during delivery periods thereafter: *Provided,* That in no event shall

[1] Amendment to §§ 948.0 and 948.4 issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup., 601 et seq.

[2] 5 F.R. 1311.

the Class II price be less than the Class III price set forth prior to the proviso in subparagraph (3) of this paragraph, plus 25 cents.

3. Amend § 948.4 (b) to read as follows:

(1) Except as provided in subparagraph (2) of this paragraph, the price to be paid by a handler for Class I milk sold or disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be such price as the market administrator ascertains is being paid for milk of equivalent use in the market where such milk is sold or disposed of: *Provided,* That in no event shall the price for Class I milk sold or disposed of outside the marketing area be less than the average price of milk in the marketing area for the delivery period during which such milk is sold or disposed of.

(2) The price for Class I milk sold or disposed of outside the marketing area for which no price can be ascertained on the basis provided in subparagraph (1) of this paragraph, including Class I milk sold or disposed of to Government institutions and establishments on the basis of bids, shall be the price for Class I milk set forth in paragraph (a) of this section.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C. this 1st day of October 1941, to become effective on and after the 2d day of October 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7350; Filed, October 1, 1941; 3:06 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment No. 131, Civil Air Regulations]

PART 01—AIRWORTHINESS CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 603 (c) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 1, 1941, Part 01 of the Civil Air Regulations is amended to read as follows:

Sec.

§ 01.1 *Airworthiness certificates.*

§ 01.10 *Application.* Application for an airworthiness certificate may be made by the registered owner of any aircraft registered as an aircraft of the United States upon the applicable form prescribed and furnished by the Administrator.

§ 01.11 *Requirements for issuance.* Prior to the issuance of an airworthiness certificate, the subject aircraft shall be inspected by a duly authorized representative for the Administrator to determine whether it is in condition for safe operation and complies with the airworthiness requirements specified in the Civil Air Regulations: *Provided,* That an airworthiness certificate may be issued for an aircraft for which no such certificate has previously been issued and which has been manufactured under a type certificate or under a type and a production certificate if the applicant for such certificate, upon request, presents to a duly authorized representative for the Administrator a Statement of Conformity properly executed by the manufacturer of the aircraft on a form prescribed and furnished by the Administrator, and if the aircraft satisfactorily passes an inspection made to determine whether such aircraft is in condition for safe operation: *Provided further,* That an aircraft manufactured under a type certificate only shall undergo, and an aircraft manufactured under a type and a production certificate may be required to undergo, an inspection to determine whether such aircraft conforms to the type certificate under which it is manufactured.

§ 01.12 *Aircraft operation record requirements.* An aircraft for which an airworthiness certificate is currently in effect, hereinafter referred to in these regulations as a certificated aircraft, shall not be operated unless there is attached to such airworthiness certificate the appropriate Aircraft Operation Record prescribed and issued by the Administrator, nor shall such aircraft be operated other than in accordance with the limitations for safe operations prescribed and set forth by the Administrator in such record. An aircraft for which an airworthiness or experimental certificate is in effect on the effective date of this section may be operated without an Aircraft Operation Record until expiration, cancellation, or revocation of any such certificate.

§ 01.13 *Duration.* An airworthiness certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Administrator within such period, shall continue in effect indefinitely thereafter, unless suspended, revoked, or cancelled, except that it shall immediately expire (1) at the end of a specifically designated period [1] after the date of issuance of the certificate or after the date of the last endorsement thereof, whichever is later, if the holder of such certificate fails to secure within such period an examination or inspection by an authorized inspector for the Administrator, or (2) at any time an authorized inspector of the Administrator shall refuse to endorse such certificate after examination or inspection.

§ 01.14 *Transferability.* An airworthiness certificate and the attached currently effective Aircraft Operation Record, upon transfer of ownership, shall remain with the aircraft for which they were issued.*

* §§ 01.1 to 01.3, inclusive, issued under the authority contained in secs. 205 (a), 603 (c), 52 Stat. 984, 1009; 49 U. S. C. 425 (a), 553 (c).

§ 01.2 *Airworthiness certificate rules.*

§ 01.20 *Display.* An airworthiness certificate shall be carried at all times in the aircraft for which such certificate has been issued, and shall be presented upon the request of any duly authorized representative for the Administrator or Board, or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 01.21 *Cancellation.* An airworthiness certificate may be cancelled upon the written request of the registered owner of the aircraft.

§ 01.22 *Surrender.* Upon the cancellation, suspension, revocation or expiration of an aircraft airworthiness certificate the owner of the aircraft shall, upon request, surrender such certificate to any officer or employee of the Administrator.

§ 01.23 *Inspection.* An inspector of the Administrator shall be permitted at any time and place to make such inspections as may be deemed necessary to determine compliance with the requirements of this Part of the Civil Air Regulations.

§ 01.24 *Maintenance of certificated aircraft.* A certificated aircraft shall not be operated unless maintained in condition for safe operation.

§ 01.25 *Periodic inspection.* A certificated aircraft shall not be operated unless, within the 100 hours of flight time last preceding such operation such air-

[1] A statement of duration in substantially the form of § 01.13 will appear on all airworthiness certificates. The above reference to a "specifically designated period" means the period which will be designated on each airworthiness certificate. Under ordinary circumstances an airworthiness certificate will have to be endorsed each year.

craft shall have been given a periodic inspection. Such inspection shall be made by a person to whom there has been issued a currently effective and appropriate mechanic certificate, and shall be made in accordance with the Periodic Aircraft Inspection Report form prescribed and furnished by the Administrator: *Provided*, That in the case of aircraft operated in scheduled air transportation service, such inspection shall be made in accordance with a form acceptable to the Administrator. The results of such inspection shall be entered in the aircraft log-book and on the Periodic Aircraft Inspection Report form over the signature and certificate number of the person making the same.

§ 01.26 *Other inspections.* In all cases, except inspections following repairs or alterations to certificated aircraft, the registered owner shall be responsible for having such aircraft given a periodic inspection, by a person to whom there has been issued a currently effective and appropriate mechanic certificate, within a reasonable time prior to presentation for inspection by a duly authorized representative of the Administrator. In cases of inspections following repairs or alterations of aircraft, such representative may require such inspection of the aircraft as he deems necessary, by a person to whom there has been issued a currently effective and appropriate mechanic certificate.

§ 01.27 *Log-books.* The registered owner of a certificated aircraft shall be responsible for the maintenance and, upon request, the presentation to a duly authorized representative of the Administrator or Board, of a log-book for the aircraft and a log-book for each engine installed therein. Such log-books shall be current, accurate, legible, and permanent records. The aircraft log-book shall contain an operating history of the aircraft which shall include, but shall not be limited to, flight time of the aircraft, reports of periodic or other inspections, minor repairs, and minor alterations of the aircraft structure and propellers. Each engine log-book shall contain an operating history of the aircraft engine to which it pertains, which shall include, but shall not be limited to, the running time of the engine in flight, reports of inspections, minor repairs, and minor alterations of the aircraft engine. Log-book entries may be replaced in the case of scheduled air carrier aircraft, aircraft engines, and propellers, by a suitable system of recording the information required in this section.*

§ 01.3 *Accidents.*

§ 01.30 *Report and notification of accidents.* A written report shall be made without delay to the Civil Aeronautics Board at its nearest branch office of every accident involving a civil aircraft which occurs within the United States[2] and every accident involving a certificated aircraft of the United States, without regard to where it occurs. Such report shall be made upon an accident report form furnished by the Civil Aeronautics Board. In addition, the Civil Aeronautics Board, or the Administrator of Civil Aeronautics, shall be notified immediately in person or by cable, telegraph, telephone, or radio, of the occurrence of any air carrier accident, or accident resulting in serious or fatal injury to any person, or accident known or believed to have resulted from a structural failure in flight. This requirement of immediate notification shall apply to every such accident involving civil aircraft which occurs within the United States and every such accident involving air carrier aircraft without regard to where it occurs. The pilot in command of a non-air carrier aircraft involved in the accident shall make the report and notification of the accident as required by this section unless he is incapacitated, in which event the operator[3] of the aircraft shall make such report and notification. The operator of an air carrier aircraft involved in an accident shall make such report and notification.

§ 01.31 *Removal.* (a) No aircraft or part thereof, involved in an air carrier accident or in an accident resulting in serious or fatal injury to any person, or accident known or believed to have resulted from structural failure in flight shall be moved or disturbed, except:

(1) When necessary for giving assistance to persons injured or trapped in the wreckage;

(2) When necessary in the interest of public safety;

(3) When specific permission shall have been granted by an officer or employee of the Civil Aeronautics Board or of the Administrator of Civil Aeronautics;

(4) When prompt movement of the aircraft is necessary to protect it from further serious damage and it is impossible to secure immediate communication with any person authorized in (3) to direct the removal.

(b) Any movement of the aircraft or any part thereof under subsections (a) (1), (a) (2), or (a) (4) shall be so accomplished as to entail the minimum possible disturbance of the material concerned until such time as further or permanent disposition may be directed by the person in charge of the investigation of the accident for the Civil Aeronautics Board. In the event of any movement of the aircraft under subsection (a) (4), or under subsection (a) (2), except when the danger to public safety is such as to permit of no delay whatever, the movement of the aircraft shall be preceded by the making of a record, as complete and accurate as possible under the circumstances, of the original position and condition of the wreckage.

(c) The requirements of this section shall be applicable with respect to all accidents as described in subsection (a) hereof, which occur within the continental United States (including Alaska) and with respect to all air carrier accidents without regard to where they occur.

§ 01.32 *Preservation of wreckage.* An aircraft, aircraft engine, propeller or appliance, or any part or parts thereof, shall, when directed by the Civil Aeronautics Board or any authorized representative thereof, be preserved and removed to such place or places as directed for purposes of safekeeping, inspection, testing, or any other purpose consistent with the powers and duties granted the Civil Aeronautics Board under section 702 (a) of the Civil Aeronautics Act of 1938, as amended. This requirement shall be applicable with respect to any civil aircraft involved in an accident occurring within the United States and to any certificated aircraft of the United States involved in an accident wherever it occurs.*

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7356; Filed, October 2, 1941; 9:30 a. m.]

[Amendment No. 133 of Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES EXCEPTED FROM REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking the word "(Interstate)" from the title of Part 40.

2. By striking the phrase "interstate and intraterritorial air transportation" from § 40.0 and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

3. By striking the word "(interstate)" from the title of § 40.2 and by striking the phrase "interstate air transportation" from that section and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

4. By striking the word "(interstate)" from the title of § 40.3 and by striking the phrase "interstate air transportation" from that section and inserting in lieu thereof the phrase "interstate air trans-

[2] "United States," as used in these regulations, means the States, the Territories and possessions, and the territorial waters surrounding them unless a different meaning is specifically indicated.

[3] "Operator" includes the owner or lessee or any other person that causes or authorizes the operation of the aircraft.

portation within the continental limits of the United States."

5. By striking the title of § 40.4 and amending that section to read—

§ 40.4 (Unassigned.)

6. By striking the title of § 40.5 and amending that section to read—

§ 40.5 (Unassigned.)

7. By striking the phrase "§§ 40.2, 40.3, 40.4 and 40.5" from § 40.60 and inserting in lieu thereof "§§ 40.2 and 40.3"; and by striking the phrase "interstate or intraterritorial air transportation, or both" in § 40.60 and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

8. By amending the Table of Contents of Part 40 to conform with paragraphs Nos. 1 through 7 of this amendment.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7359; Filed, October 2, 1941; 9:31 a. m.]

[Amendment No. 132 of Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

MAINTENANCE OF DISPATCHER QUALIFICATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 61 of the Civil Air Regulations is amended by amending § 61.554 to read as follows:

§ 61.554 *Maintenance of qualifications.* Each dispatcher listed in the air carrier airmen competency letter shall maintain his familiarity with the route or routes on which he dispatches air carrier aircraft in scheduled operations and with the items set forth in § 61.55301 through § 61.55316.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7358; Filed, October 2, 1941; 9:30 a. m.]

[Amendment No. 134 of Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES EXCEPTED FROM REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking the word "(Interstate)" from the title of Part 61.

2. By striking the phrase "interstate air transportation" from § 61.0 and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

3. By amending § 61.00 except subparagraphs (a) and (b) to read as follows:

§ 61.00 *Certificate required.* No scheduled air carrier shall be operated in interstate air transportation within the continental limits of the United States for the carriage of mail, goods, or persons, or any combination thereof, unless * * *

4. By amending § 61.01 except subparagraphs (a) and (b) to read as follows:

§ 61.01 *Violation of terms.* No scheduled air carrier shall be operated in interstate air transportation within the continental limits of the United States for the carriage of mail, goods, or persons, or any combination thereof, in violation of any of the terms, conditions, specifications, limitations, or other provisions * * *

5. By amending the Table of Contents of Part 61 to conform with paragraphs Nos. 1 through 4 of this amendment.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7360; Filed, October 2, 1941; 9:31 a. m.]

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

It appearing that: § 61.7209 of the Civil Air Regulations, which, in effect, forbids the banking of air carrier aircraft immediately after take-off until a minimum altitude of 500 feet has been attained, often requires air carrier aircraft taking off from the Washington National Airport to operate over congested areas of Washington, D. C. and its vicinity and also, in certain cases, to operate in close proximity to the airspace reservation established for a portion of the District of Columbia by Executive Order No. 8378;[1]

The Board finds that: Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, makes and promulgates the following special regulation:

"Notwithstanding the provisions of § 61.7209 of the Civil Air Regulations, air carrier aircraft operated in scheduled air transportation taking off from the Washington National Airport may be banked when an altitude not lower than 300 feet has been attained and the aircraft has passed over the boundaries of the Washington National Airport."

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7357; Filed, October 2, 1941; 9:30 a. m.]

[Regulations Serial Number 16]

COMPLIANCE WITH OPERATION SPECIFICATIONS REPEALED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest, and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends its regulations as follows:

"Regulation designated Serial Number 16, requiring compliance with Operation Specifications, adopted by the Civil Aeronautics Authority May 19, 1939,[2] and amended June 15, 1940,[3] and July 9, 1940,[4] is hereby repealed."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7355; Filed, October 2, 1941; 9:30 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-773]

PART 331—MINIMUM PRICE SCHEDULE DISTRICT NO. 11

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE

[1] 5 F.R. 1114.
[2] 4 F.R. 2131.
[3] 5 F.R. 2280.
[4] 5 F.R. 2542.

PETITION OF THE LUCKY STRIKE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 11, FOR A REVISION OF THE EFFECTIVE MINIMUM PRICES OF THE COALS OF THE LUCKY STRIKE MINE (MINE INDEX NO. 57) FOR TRUCK SHIPMENTS TO MARKET AREA 34

This is a proceeding instituted upon an original petition filed with the Bituminous Coal Division by Frank T. Jones, an individual doing business under the name and style of Lucky Strike Mining Company, a code member in District No. 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests permission to absorb all costs of transportation on coal produced at the Lucky Strike Mine (Mine Index No. 57) and shipped to the tipple in Evansville, Indiana, in excess of 25 cents per ton, on all truck shipments to Market Area 34.

Pursuant to Orders of the Director and after due notice to all interested persons, a hearing in this matter was held in Evansville, Indiana, on May 13, 1941, before D. C. McCurtain, a duly designated examiner of the Division. The Examiner, on August 18, 1941 submitted his Report, Proposed Findings of Fact and Conclusions of Law and recommended that the relief requested herein be granted. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. No exceptions or supporting briefs have been filed.

The Director has determined that the proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 331.21 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments be amended by adding the following Price Exception:

On all shipments from the Lucky Strike Mine (Mine Index No. 57) to its tipple located at Evansville, Indiana, all costs of transportation in excess of 25 cents per ton may be absorbed by the Lucky Strike Mining Company for all shipments to Market Area 34.

It is further ordered, That the prayer for relief contained in the petition herein be, and it hereby is granted to the extent set forth above, and in all other respects denied.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7389; Filed October 2, 1941; 10:41 a. m.]

[Docket No. A-419]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition in this matter having been filed with the Bituminous Coal Division by District Board 20, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking the establishment of price classifications and minimum prices for the coals of certain mines in District No. 20;

After due consideration, no pleadings in opposition having been filed with the Division, by Order of the Director dated December 16, 1940, 5 F.R. 5176, temporary prices having been established, pending final disposition of the petition;

Pursuant to orders entered herein and after due notice to all interested parties, a public hearing having been held in this matter before a duly designated Examiner of the Division on January 27, 1941;

The Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated August 27, 1941, and an opportunity having been afforded all parties to file exceptions thereto; no such exceptions or supporting briefs have been filed;

The Director having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 340.4 (*Code member price index*) and § 340.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments, be amended as follows:

§ 340.4 Insert the following in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices page	
					Rail	Truck
Grass Creek Fuel Co., (J. H. Roberts)	Weber	185	Summit	3	6	10
Kygar Coal Co.	Kygar Coal	183	Summit	3		10
Murray, W. W. Jr.	Blue Diamond	178	Emery	1		9

§ 340.21 Insert the following code member names, mine names, counties and prices in proper alphabetical order, according to Sub-District number:

Code member—Mine name	County	Size groups														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 1																
Murray, W. W. Jr., Blue Diamond	Emery	338	298	283	263	268	208	183	143	138	103	93	68	188	158	133
SUBDISTRICT NO. 3																
Grass Creek Fuel Co. (J. H. Roberts), Weber.	Summit	345	310	300	290	290	235	220	185	180	150	145	145	225	200	185
Kygar Coal Co., Kygar Coal	Summit	345	310	300	290	290	235	220	185	180	150	145	145	225	200	185

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7379; Filed, October 2, 1941; 10:37 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—FISCAL SERVICE

SUBCHAPTER A—BUREAU OF ACCOUNTS

[1941, First Amendment, Department Circular No. 657]

PART 317—REGULATIONS GOVERNING AGENCIES FOR THE ISSUE OF DEFENSE SAVINGS BONDS, SERIES E

OCTOBER 2, 1941.

Treasury Department Circular No. 657, dated April 15, 1941,[1] is hereby amended by deleting the last undesignated paragraph of section 3 (Qualification of issuing agent—) of the Circular appearing also as the last paragraph of § 317.3, Title 31, Part 317 of the Code of Federal Regulations of the United States of America, and inserting in lieu thereof the following:

§ 317.3 *Qualification of issuing agent—*(c) *Security not required; Federal Deposit Insurance Corporation members.* Notwithstanding the provisions of paragraphs (a) and (b) hereof any designated issuing agent which is, and continues to be, insured by the Federal Deposit Insurance Corporation and which files an Application—Trust Agreement on Form 384-A with the Federal Reserve Bank of its district may apply for Defense Savings Bond stock, Series E, sufficient to meet its requirements without the pledge of collateral

[1] 6 F.R. 1985.

security therefor. The aggregate amount of stock to be maintained at any one time, taken at maturity values, shall not exceed 50% of the issuing agents' capital and surplus or guaranty fund or reserve for capital purposes or $500,000, whichever is the smaller amount; however, the Secretary of the Treasury, directly or through the Federal Reserve Bank of the district as fiscal agent, reserves the right to regulate the amount of stock which may be obtained or maintained by any issuing agent without the pledge of collateral security, including temporary increases over the limits expressed in this paragraph, whenever circumstances make such action necessary or desirable.

(d) *Security not required; others.* Notwithstanding the provisions of paragraphs (a) and (b) hereof, any designated issuing agent which is, and continues to be, insured by the Federal Savings & Loan Insurance Corporation, or any other acceptable State Insurance Corporation, System or Fund, the members of which are subject to Federal or State supervision, examination and liquidation, which files an Application—Trust Agreement on Form 384–A with the Federal Reserve Bank of the district in which it is located may apply for Defense Savings Bond stock, Series E, sufficient to meet its requirements without the pledge of collateral security therefor. The aggregate amount of stock to be maintained at any one time, taken at maturity values, shall not exceed 50% of the issuing agents' capital and surplus or guaranty fund or reserve for capital purposes, or other similar fund or funds, or $50,000, whichever is the smaller amount; however, the Secretary of the Treasury, directly or through the Federal Reserve Bank of the district as fiscal agent, reserves the right to regulate the amount of stock which may be obtained or maintained by any issuing agent without the pledge of collateral security, including temporary increase over the limits expressed in this paragraph, whenever circumstances make such action necessary or desirable.

(e) *Certification of qualification.* Upon approval of the Application and Pledge Agreement, Form 384, or the Application-Trust Agreement, Form 384–A, the Federal Reserve Bank will issue a certificate of qualification to the issuing agent on Form No. 385 or 385–A. The Federal Reserve Bank, as fiscal agent of the United States, may certify, in whole or in part, the qualification applied for. If the qualification applied for is not certified, appropriate notice thereof will be transmitted to the issuing agent making application.

[SEAL] H. MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 41–7396; Filed, October 2, 1941; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Interpretation No. 3 of Preference Rating Order No. P–46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1 *Preference rating order No. P–46*,[1] issued September 17, 1941.

Section 978.1 permits the application of the preference rating therein assigned to deliveries of Material to a Producer which is a cooperative or a membership company or association supplying the services therein specified, to its members or stockholders, if such Producer offers service within the service area of the Producer to any person applying therefor in accordance with the Articles of Incorporation and By-laws of such Producer.

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7368; Filed, October 2, 1941; 9:57 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT TO PRICE SCHEDULE NO. 12—BRASS MILL SCRAP

Price Schedule No. 12, Brass Mill Scrap,[2] is hereby amended by substituting the words "Office of Price Administration" for the words "Office of Price Administration and Civilian Supply" wherever they appear in the Schedule and by amending §§ 1309.15, 1309.18, and 1309.19 to read as follows:

§ 1309.15 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of any or all of the grades of brass mill scrap or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration. (Executive Orders 8734, 8875, 6 F.R. 1917, 4483)

§ 1309.18 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Brass mill scrap" means the kinds and grades of nonferrous scrap materials which are a by-product of the fabrication of materials produced by brass mills. (Executive Orders 8734, 8875, 6 F.R. 1917, 4483)

§ 1309.19 *Appendix A, maximum prices.* Maximum prices herein set forth are for the principal kinds or grades of brass mill scrap. All other kinds or grades of brass mill scrap which are not specified, except cupro-nickel alloy scrap, should be sold at the normal differentials from such principal kinds or grades. Cupro-nickel alloy scrap shall be sold in accordance with the provisions of Price Schedule No. 8 which establishes maximum prices for scrap and secondary materials containing nickel.

The maximum prices are established for scrap which is clean, dry and free from foreign materials and which meets generally accepted maximum standards in the trade. Scrap which fails to meet such standards should be sold at normal differentials below the established maximum prices.

Kind or grade of scrap	Maximum prices (per pound, f. o. b. point of shipment)		
	Heavy scrap	Rod ends	Turnings
BRASS	*Cents*	*Cents*	*Cents*
Commercial bronze: Containing 95% or more copper	9½	9¼	8¾
Containing minimum of 90% up to 95% copper	9⅜	9⅛	8⅝
Red brass: Containing minimum of 80% copper	9⅛	8⅞	8⅝
Best quality brass: Containing minimum of 71% up to 80% copper	8¾	8½	*Rod turnings*
Yellow Brass	8⅝	8⅜	7⅞
Copper	10¼	10¼	9½
NICKEL SILVER			*Turnings*
5% nickel	9¼	9	4⅜
10% nickel	10⅛	9⅞	5¼s
15% nickel	10⅞	10⅝	5¾s

Quantity differentials:	*Cents per pound*
Premiums on shipments of:	
15,000 pounds or more at one time	⅝
40,000 pounds or more at one time	1

[1] 6 F.R. 4784.
[2] 6 F.R. 3594.

The maximum prices set forth above apply on shipments in lots of less than 15,000 pounds. However, as indicated above, on shipments in lots of 15,000 pounds *at one time*, a maximum of 5/8¢ per pound may be added to such prices. On shipments in lots of 40,000 pounds or more *at one time* a maximum of 1¢ per pound may be added to such prices. A lot of 15,000 pounds for the purposes of this Schedule, may be made up of any kind or grade of heavy scrap, or of any kind or grade of turnings and rod ends, but heavy scrap may not be mixed with either turnings or rod ends or both, to make up a lot of 15,000 pounds. A lot of 40,000 pounds or more for the purposes of this Schedule, may be made up of any kind or grade of brass mill scrap.

If delivery is made by truck, a shipment in lots of 15,000 pounds or 40,000 pounds or more as the case may be, will be considered to have been made "at one time", for the purposes of this Schedule, if such lot is delivered to the buyer within two days after the first shipment of the lot is so delivered. (Executive Order 8734, 8875, 6 F.R. 1917, 4483)

These amendments shall become effective October 3, 1941. Issued this 1st day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc 41-7369; Filed, October 2, 1941; 10:29 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 14—RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

The Commission on September 30, 1941, effective immediately, amended its rules as follows:

Deleted the frequency 2912 kilocycles from the following sections:

§ 14.14 *Frequencies for short distance communication from non-Government to Government stations.*

§ 14.32 *Frequencies for short distance communication from non-Government to Government stations and secondarily with ships in Alaskan waters.*

§ 14.53 *Frequencies for communication from non-Government to Government stations and with coastal harbor stations on a secondary basis.*

And withdrew as available for assignment to new Fixed Public, Public Coastal, and Ship Stations in Alaska the frequency 2912 kilocycles.[1] (Sec. 4 (i), 48 Stat. 1068; 4 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7367; Filed, October 2, 1941; 9:50 a. m.]

[1] Existing licensees are permitted the use of 2912 kilocycles to the expiration of the current license on January 1, 1942.

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-29]

REGULATIONS GOVERNING SPECIAL OR CHARTERED PARTY SERVICE

Present: William E. Lee, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon further consideration of the record; and good cause appearing:

It is ordered, That the order of the Commission entered herein on May 29, 1941,[1] which by its terms as thereafter modified requires that the rules set forth in the appendix to the report, governing the transportation of special or chartered parties by common carriers by motor vehicle of passengers, subject to the provisions of the Interstate Commerce Act, shall become effective October 15, 1941, be, and it is hereby, further modified to the extent that such rules be, and they are hereby, prescribed and promulgated to become effective on and after December 10, 1941.

Dated at Washington, D. C., this 25th day of September, A. D. 1941.

By the Commission, Commissioner Lee.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7395; Filed, October 2, 1941; 11:13 a. m.]

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission modifying the Classification of Investment in Road and Equipment for Steam Roads and the Classification of Operating Revenues and Operating Expenses for Steam Roads, effective January 1, 1942, was filed with the Division of the Federal Register, October 2, 1941, at 11:13 A. M., F.R. Doc. No. 41-7392. Request for copies may be addressed to the Interstate Commerce Commission.

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission, modifying the Classification of Operating Revenues and Operating Expenses and of Income, Profit and Loss, and General Balance Sheet Accounts for Steam Roads, effective January 1, 1942, was filed with the Division of the Federal Register, October 2, 1941, at 11:13 A. M., F.R. Doc. No. 41-7391. Request for copies may be addressed to the Interstate Commerce Commission.

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of September, A. D. 1941.

In the matter of the Order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight," for steam roads; the Order of July 31, 1937, changing the effective date to January 1, 1938; the Order of December 18, 1937, changing the effective date to January 1, 1939; the Order of November 28, 1938, changing the effective date to January 1, 1940; the Order of November 6, 1939, changing the effective date to January 1, 1941, and, the Order of December 10, 1940, changing the effective date to January 1, 1942:

It is ordered, That the effective date be changed to January 1, 1943.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7393; Filed, October 2, 1941; 11:13 a. m.]

[1] 6 F.R. 3042.

PART 14—ELECTRIC RAILWAYS: UNIFORM SYSTEM OF ACCOUNTS

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of September, A. D. 1941.

In the matter of the Order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue — Perishable freight", for electric railways; the Order of July 31, 1937 changing the effective date to January 1, 1938; the Order of December 18, 1937 changing the effective date to January 1, 1939; the Order of November 28, 1938 changing the effective date to January 1, 1940; the Order of November 6, 1939 changing the effective date to January 1, 1941 and, the Order of December 10, 1940 changing the effective date to January 1, 1942:

It is ordered, That the effective date be changed to January 1, 1943.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7394; Filed, October 2, 1941; 11:13 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 398 qm-10612; O. I. #5285]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORD MOTOR COMPANY, DEARBORN, MICHIGAN

Contract for: Trucks * * * various bodies.

Amount, $1,323,533.79.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 30th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks, $1,323,533.79 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days * * * per truck.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities: QM 15915 P 37–3053 A 0525.003–12, ORD 15698 P6–30 A 1005–01, ORD 9302 P11–30 A 1005–01, QM 7008 PI–3211 A 0540.035–N, the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7361; Filed, October 2, 1941; 9:31 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1601–FD]

IN THE MATTER OF PEEWEE COAL COMPANY, A REGISTERED DISTRIBUTOR, REGISTRATION NO. 7218, DEFENDANT

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine whether the Peewee Coal Company, a registered distributor (Registration No. 7218), of Bussey, Iowa, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act;

An investigation having been made; an Examiner designated for hearing pursuant to an Order dated March 7, 1941;

A hearing having been held in this matter on April 8, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Des Moines, Iowa, pursuant to the Order of March 7, 1941, at which an appearance was entered for the defendant; and all interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter on August 30, 1941, in which it was recommended that the registration of defendant as a registered distributor be suspended for a period of six months;

An opportunity having been afforded to all parties to file exception thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

It having been determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of the Examiner be, and they hereby are approved and adopted as the Findings of Fact and Conclusions of the undersigned; and

It is further ordered, That the registration of the defendant Peewee Coal Company, a registered distributor, (Registration No. 7218); be and it is hereby suspended for a period of six (6) months beginning with the date of this Order: *Provided, however,* That as a condition to reinstatement, in accordance with § 304.15 of the Distributors Rules, the defendant submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the said six month period said defendant has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of the registration: *And provided further,* That the defendant be required to return to the producers all improperly collected discounts and that a statement by defendant that such refunds have been made shall be required to be included in the affidavit.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7370; Filed, October 2, 1941; 10:34 a. m.]

[Docket No. 1562–FD]

IN THE MATTER OF THE MIDVALE COAL COMPANY REGISTERED DISTRIBUTOR, REGISTRATION NO. 6435, DEFENDANT

ORDER OF REINSTATEMENT OF REGISTRATION

The Acting Director having entered an Order in the above-entitled matter dated July 10, 1941, suspending the registration of the defendant, the Midvale Coal Company, as a distributor, Registration No. 6435, to and including September 30, 1941; and

Said order having been duly served upon said defendant on July 15, 1941; and

The Midvale Coal Company, defendant herein, having duly filed with the Division on September 26, 1941, an affidavit dated September 24, 1941, pursuant to the provisions of said order dated July 10, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Director that said affidavit of the Midvale Coal Company sufficiently complies with the provisions of said order dated July 10, 1941, and Section 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of the Midvale Coal Company as a distributor be and it hereby is reinstated as of October 1, 1941.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7371; Filed, October 2, 1941; 10:34 a. m.]

[Docket No. 1865–FD]

IN THE MATTER OF THE APPLICATION OF RANDALL FUEL COMPANY, INC., TO RECEIVE SALES AGENT'S COMMISSION AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO RANDALL BROTHERS, INC.

ORDER AND NOTICE OF POSTPONEMENT OF HEARING

Applicant having moved that the hearing in the above-entitled matter be postponed, and having shown good cause why its motion should be granted,

It is ordered, That the hearing in the above-entitled matter be postponed from 10:00 in the forenoon of October 14, 1941, to 10:00 in the forenoon of October 24, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7372; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 1702–FD]

IN THE MATTER OF DUNDEE COAL COMPANY, DEFENDANT

ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND TO POSTPONE HEARING

Dundee Coal Company, the defendant in the above-entitled matter having filed on September 25, 1941, a motion and affidavit dated September 23, 1941, for an Order Extending Time to File Answer herein to December 1, 1941, and for an Order Postponing Hearing in this matter to a date to be assigned after December 1, 1941; and

It appearing to the Director that said motion does not warrant an extension of time to answer nor a postponement of the hearing heretofore scheduled for October 3, 1941;

Now, therefore, it is ordered, That the motion in the above-entitled matter for an Order Extending Time to File Answer and Postponing the Hearing be and the same hereby is denied.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7373; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 1778–FD]

IN THE MATTER OF MT. PERRY COAL COMPANY, DEFENDANT

ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND TO POSTPONE HEARING

Mt. Perry Coal Company, the defendant in the above-entitled matter having filed on September 25, 1941, a motion and affidavit dated September 23, 1941, for an Order Extending Time to File Answer herein to December 1, 1941, and for an Order Postponing Hearing in this matter to a date to be assigned after December 1, 1941; and

It appearing to the Director that said motion does not warrant an extension of time to answer nor a postponement of the hearing heretofore scheduled for October 7, 1941;

Now, therefore, it is ordered, That the motion in the above-entitled matter for an Order Extending Time to File Answer and Postponing the Hearing be and the same hereby is denied.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7374; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 504–FD]

IN THE MATTER OF THE APPLICATION OF KENTUCKY COAL AGENCY, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL OF THE MARKETING AGENCY

ORDER REOPENING HEARING AND CONSOLIDATING MATTERS FOR FURTHER HEARING

By an Order of the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division) dated November 29, 1938, the Kentucky Coal Agency was granted provisional approval as a marketing agency, pursuant to Order No. 6 issued by the said National Bituminous Coal Commission on June 21, 1937.

An application for approval of a supplemental contract of the said agency relating to subagent commissions was filed with the Division on August 21, 1940. A hearing thereon was held on September 30, 1940. Pursuant to waiver of the parties, the matters involved in the said application were referred directly to the Director for determination. No decision has been rendered with respect to the application.

By an Order dated July 28, 1941, the Bituminous Coal Division required that the said agency show cause at a public hearing set for September 17, 1941, why the aforesaid order of provisional approval dated November 29, 1938, should not be further amended and modified in certain specified respects. By an Order dated September 13, 1941, the said hearing was postponed to September 30, 1941.

It appears that the issues involved with respect to the application for approval of the aforesaid supplemental contract are similar and closely related to certain of the issues involved in the aforesaid Order to Show Cause dated July 28, 1941.

Upon consideration of the premises,

Now, therefore, it is ordered, That the aforesaid hearing in Docket No. 504–FD held on September 30, 1940, with respect to approval of a supplemental contract of the said agency be and it hereby is reopened for further hearing.

It is further ordered, That the proceedings in Docket No. 504–FD with respect to the aforesaid application for approval of the said supplemental contract be and they hereby are consolidated with the proceedings in the same docket with regard to the aforesaid Order to Show Cause dated July 28, 1941, for purpose of hearing and for such other purposes as the officer designated to preside at the hearing may deem advisable.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7375; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 1833–FD]

IN THE MATTER OF RYAN & BENSON FUEL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7951, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING AND POSTPONING HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing dated September 12, 1941, in the above-entitled matter to determine whether or not the Ryan & Benson Fuel Corporation, Registered Distributor, has violated certain provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and its Agreement as Distributor executed April 14, 1939, and whether or not the registration of said Distributor should be revoked or suspended or other appropriate penalties be imposed, and for said purposes having given notice of information in the possession of the Division and additional information having come into possession of the Division; the respondent having requested postponement of the hearing in the above-entitled matter and having shown good cause therefor; and the respondent by consent dated September 26, 1941, the original of which is on file with the Division, having consented to the making and entry of this Order;

It is ordered, That the hearing in the above-entitled matter be postponed to 10 o'clock a. m., October 15, 1941, at a hearing room of the Bituminous Coal Division, Washington, D. C.

It is further ordered, That paragraphs numbered 2, 3 and 4 of the Notice of and Order for Hearing dated September 12, 1941, in the above-entitled matter be and they hereby are amended to read as follows:

2. During the period from October 1, 1940 to September 26, 1941, both dates inclusive, the respondent purchased various sizes of coal in substantial quantities, and secured, accepted, and retained distributor's discounts thereon from code member producers, which coal he resold to the Ryan & Benson Coal Corporation, a retailer of Baltimore, Maryland, under whose control, financially or otherwise, said respondent was, in violation of paragraph (d) of the Agreement, and § 304.19 (c) of the Rules and Regulations for Registration of Distributors.

3. The transactions referred to in paragraph 2 hereof rendered no service of value to said code member vendors, the resales to the Ryan & Benson Coal Corporation having been entered into primarily for the purpose of unjustly enriching the respondent, and the acceptance of such discounts as a distributor was in violation of paragraph (g) of the Agreement.

4. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous

coal dated April 14, 1939, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof, the financial relations with the Ryan & Benson Coal Corporation, and the failure to state that material fact was in violation of paragraph (f) of the Distributor's Agreement and contrary to Section 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

It is further ordered, That the time of the respondent to file its answer herein is hereby extended to October 10, 1941.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7376; Filed, October 2, 1941; 10:36 a. m.]

[Docket No. A-751]

IN THE MATTER OF THE MINIMUM PRICES IN THE SALE OF LOCOMOTIVE FUEL BY THE SUNLIGHT COAL COMPANY, DISTRICT NO. 11, TO THE CHICAGO, INDIANAPOLIS, AND LOUISVILLE RAILROAD COMPANY, AND REQUEST FOR PRELIMINARY AND PERMANENT RELIEF

MEMORANDUM OPINION APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND ORDER DENYING RELIEF AND DENYING REQUEST FOR ORAL ARGUMENT

This is a proceeding instituted upon an original petition filed with the Bituminous Coal Division on March 17, 1941, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, by the Sunlight Coal Company, a code member in District 11, owner of the Sunlight No. 11 Mine (Mine Index No. 87) operating in the Indiana Standard 5th Vein, Booneville Subdistrict of District 11. The petition requests that the Sunlight Coal Company be permitted to absorb 32.6 cents per ton from the presently established minimum f. o. b. mine price of $1.90 per ton on sales of locomotive fuel from the Sunlight Mine to the Chicago, Indianapolis and Louisville Railway Company (hereinafter referred to as C. I. & L. R. R.), thus permitting the Sunlight Mine to have an effective minimum price of $1.574 per ton for sale of locomotive fuel to the said railroad.

Pursuant to Orders of the Director dated March 27, 1941, and April 14, 1941, and after notice to all interested persons, a hearing was held in this matter on May 23, 1941, before D. C. McCurtain, a duly designated examiner of the Division, at a hearing room thereof in Washington, D. C.

A petition of intervention was filed by District Board 11. Appearances were entered on behalf of the original petitioner, District Board 11, and the Consumers' Counsel Division. Briefs were filed by each of these parties.

On August 14, 1941, Examiner D. C. McCurtain filed his Report in this matter in which he recommended that the relief requested herein be denied. The Examiner found that the petitioner had not presented sufficient evidence to warrant a departure from the policy established in General Docket 15 that no adjustments of off-line sales should be permitted "except where necessary to protect existing sales tonnage and to maintain existing fair competitive opportunities." Since Sunlight had never sold locomotive fuel to the railroad involved, it does not fall within such policy. The Sunlight Mine utilizes its trunk line carrier which uses large tonnages of railroad fuel for a market for its coals. The Examiner thought it quite evident that if the relief requested herein should be granted, every mine on every other trunk line in Indiana could request, and in principle would be entitled to off-line fuel prices to every other trunk line carrier, thus resulting in a loss in realization for the entire District 11 and a complete disruption of the pattern of price established in the Schedules.

On August 29, 1941, petitioner filed exceptions to Examiner McCurtain's Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations and requested the opportunity to present oral argument. Exception was taken to the Findings that the petitioner neither comes within the above-mentioned policy covering off-line prices established in General Docket 15, nor has it presented sufficient evidence to warrant a departure from such policy. Petitioner submits that although it never sold railroad fuel to the C. I. & L. R. R., with certain exceptions not pertinent here, nevertheless the *right* to make the absorption of 32.6 cents per ton was an "existing fair competitive opportunity" within the meaning of the Act. Petitioner further submits that there is no evidence in the record that such absorption would constitute a sale of locomotive fuel below cost or that petitioner would not make a profit thereon. Petitioner contends that unless it be granted permission to exercise its *right,* the competitive situation on the sale of off-line railroad fuel to trunk railroads would be frozen as of the date of the establishment of minimum prices. Such an interpretation it is stated would logically lead to the exclusion from such market of new mines. Petitioner further contends that Examiner McCurtain's distinctions between this matter and that involving off-line shipments of mines on the A. W. & W. R. R. in Docket No. A-7 is unfounded since the record indicates that mines on the A. W. & W. R. R. never sold to the Southern Railroad except in times of emergency.[1]

I have carefully considered the entire record in the light of exceptions of the petitioner, and have concluded that the Findings of Fact and Conclusions of Law promised by the Examiner should be adopted in their entirety. The record indicates that the Sunlight Mine never sold railroad fuel, except as in times of emergency to the C. I. & L. R. R., nor does it indicate any necessity for such sales to preserve "existing fair competitive opportunities." The act does not deny to new mines the right to obtain business on a competitive level wtih established mines.[2] Indeed, since the dynamic nature of the bituminous coal industry precludes "freezing" of competitive situations, Congress has provided that petitions may be filed under the provisions of section 4 II (d) of the Act requesting opportunity to present affirmative evidence of necessity for the establishment of or change in minimum prices. However, such petitions must indicate a real necessity for relief. Otherwise, the delicate coordination of minimum prices set up after exhaustive hearings in General Docket 15 would be upset by attempts to invade markets which are not natural markets and thereby encourage uneconomical movements of coal.

As petitioner admits, it could have made any absorption under open competition when quoting a price on its coal to the C. I. & L. R. R. in order to compete with other producers for that business, yet despite that fact, it was unable to prevail upon the purchasing agents of the C. I. & L. R. R. with any degree of success to purchase its coals. Nor has petitioner shown any change in such conditions. The evidence indicates that the C. I. & L. R. R. has been able to and can secure all of its fuel requirements from its on-line mines. And, there is no evidence that the Sunlight Mine cannot sell all of its railroad fuel to its own trunk line carrier.

Granting of the relief requested here would result in the disruption of the "existing fair competitive opportunities" of the mines located on the C. I. & L. R. R. The relatively fixed and stable market for locomotive fuel is of extreme importance to the continued operation of the mines located on trunk line carriers. This should be disrupted only when a clear need therefor is shown.

Now therefore it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of Examiner McCurtain be, and the same hereby are approved and adopted as Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the prayer for relief herein be, and it hereby is, denied;

It is further ordered, That the request for oral argument herein be, and the same hereby is denied.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7377; Filed, October 2, 1941; 10:36 a. m.]

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[1] No decision has yet been rendered in Docket No. A-1. Examiner McCurtain stated that the factual situation in Docket No. A-7 is not similar to the factual situation here. The Director does not now accept or reject this conclusion of the Examiner.

[2] See Docket No. A-687.

[Docket No. A-276]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 20 FOR SHIPMENT INTO MARKET AREAS 200 AND 201

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division by District Board 20, pursuant to section 4 II (d) of the Bituminous Coal Act or 1937, requesting a revision in the Schedule of Effective Minimum Prices of District 20 for All Shipments establishing the same minimum f. o. b. mine prices for coals shipped by rail from Subdistrict 1 to Market Areas 200 and 201 as are applicable to Market Areas 202 and 203;

Temporary relief pending the final disposition of this matter having been granted by Order of the Director;

Pursuant to an Order of the Director, and after due notice to all interested persons, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room thereof in Salt Lake City, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of an Examiner's report and the matter thereupon having been submitted to the undersigned for determination;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition of District Board 20 filed herein should be and they are hereby denied and the temporary relief hereto granted is terminated.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7378; Filed, October 2, 1941; 10:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 620]

ALLOCATION OF FUNDS FOR LOANS

September 23, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Arkansas 2021S3 Lincoln	$15,000
Arkansas 2027S3 Ouachita	15,000
Florida 2023S2 Levy	4,000
Georgia 2034S3 Carroll	10,000
Georgia 2037S3 Douglas	6,000
Georgia 2045S5 Sumter	10,000
Georgia 2077S2 Forsyth	8,000
Illinois 2002S1 Wayne	5,000
Illinois 2043S3 Pulaski	12,000
Iowa 2014S2 Humboldt	10,000
Iowa 2038S4 Pocahontas	15,000
Iowa 2077S2 Davis	12,000
Michigan 2026S4 Ingham	25,000
Minnesota 2055S3 Watonwan	12,000
Minnesota 2063S2 Hubbard	35,000
Minnesota 2084S2 Traverse	5,000
Minnesota 2087S1 Marshall	13,000
Minnesota 2088S2 Koochiching	27,000
Minnesota 2093S2 Cass	20,000
Minnesota 2095S2 Lake of the Woods	20,000
Minnesota 2097S1 Roseau	20,000
Missouri 2028S2 Barton	10,000
Missouri 2037S3 Bates	10,000
Nebraska 2026S4 Loup River District Public	9,000
Nebraska 2051S4 Burt District Public	20,000
Nebraska 2056S5 Cedar Knox District Public	11,000
Nebraska 2058S2 Boone-Nance District Public	7,000
Nebraska 2077S9 Norris District Public	9,000
North Carolina 2010S1 Haywood	25,000
North Carolina 2021S4 Sampson	1,000
North Carolina 2033S2 Martin	5,000
North Carolina 2035S1 Davidson	15,000
North Carolina 2040S4 Brunswick	15,000
North Carolina 2047S2 Wake	15,000
North Carolina 2049S2 Surry	15,000
Oklahoma 2006S5 Caddo	1,500
Pennsylvania 2020S3 Blair	5,000
Pennsylvania 2020S4 Blair	10,000
South Carolina 2025S2 Berkeley	17,000
South Carolina 2026S2 Darlington	20,000
South Carolina 2027S2 Marlboro	10,000
South Dakota 2016S1 Grant	10,000
South Dakota 2017S1 Hamlin	8,000
Tennessee 2026S2 Loudon	25,000
Tennessee 2048S1 Lauderdale	25,000
Tennessee 2051S1 Johnson	20,000
Texas 2011S2 Kaufman	5,000
Texas 2021S2 Milam	5,000
Texas 2040S3 Bowie	25,000
Texas 2047S4 Deaf Smith	10,000
Texas 2054S4 Wood	2,000
Texas 2065S2 Rusk	15,000
Texas 2069S2 Erath	10,000
Texas 2078S3 Cherokee	15,000
Texas 2087S3 Karnes	8,000
Texas 2089S2 Houston	10,000
Texas 2094S3 Gonzales	10,000
Texas 2095S3 Medina	2,000
Texas 2101S2 Parker	11,000
Virginia 2022S3 Caroline	10,000
Wisconsin 2016S3 Douglas	5,000
Wisconsin 2040S1 Barron	16,000
Wisconsin 2057S3 Rusk	20,000
Wisconsin 2060S1 Waushara	25,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7345; Filed, October 1, 1941; 3:05 p. m.]

[Administrative Order No. 621]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 23, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Pennsylvania 2025D1 Adams	$487,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. D. Doc. 41-7346; Filed, October 1, 1941; 3:05 p. m.]

Surplus Marketing Administration.

DETERMINATION WITH RESPECT TO THE ISSUANCE OF ORDER NO. 13, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER KANSAS CITY MARKETING AREA [1]

Harry E. Brown, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective September 1, 1939, Order No. 13, as amended,[2] regulating the handling of milk in the Kansas City, Missouri, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on July 26, 1939, a marketing agreement, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area would tend to effectuate the declared policy of said act, notice was given, on May 8, 1941, of a public hearing which was held in Kansas City, Missouri, on the 14th, 15th, and 16th days of May, 1941, which hearing was reopened beginning July 7, 1941, at Kansas City, Missouri, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such times and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearings and after the tentative approval on September 12, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Greater Kansas City marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Greater Kansas City marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of the proposed Order No. 13, as amended, is the only practical means pursuant to such policy of ad-

[1] See Title 7, Chapter IX, *supra.*
[2] 4 F.R. 1722, 3759.

vancing the interests of the producers of milk which is produced for sale in the Greater Kansas City marketing area; and

3. The issuance of the proposed Order No. 13, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: September 30, 1941.

[F. R. Doc. 41-7353; Filed, October 1, 1941; 3:07 p. m.]

DETERMINATION WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 2 TO ORDER NO. 35, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA [1]

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective April 5, 1939, Order No. 35,[2] regulating the handling of milk in the Omaha-Council Bluffs marketing area.

Grover B. Hill, Acting Secretary of Agriculture, issued, effective March 2, 1941, Amendment No. 1 to said order.[3]

Henry A. Wallace, Secretary of Agriculture, tentatively approved, on March 10, 1939, a marketing agreement regulating the handling of milk in the Omaha-Council Bluffs marketing area.

Claude R. Wickard, Secretary of Agriculture, tentatively approved, on January 25, 1941, a marketing agreement, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area would tend to effectuate the declared policy of said act, notice was given, on July 2, 1941, of a public hearing which was held in Omaha, Nebraska, beginning on July 9, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on September 5, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Omaha Council-Bluffs marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Omaha Council-Bluffs marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 2 to Order No. 35, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Omaha Council-Bluffs marketing area; and

3. The issuance of Amendment No. 2 to Order No. 35, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States

Dated: September 30, 1941.

[F. R. Doc. 41-7352; Filed, October 1, 1941; 3:07 p. m.]

DETERMINATION WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1, TO ORDER NO. 48, REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA.[1]

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective April 16, 1940, Order No. 48,[2] regulating the handling of milk in the Sioux City, Iowa, marketing area.

Henry A. Wallace, Secretary of Agriculture, tentatively approved on March 7, 1940, a marketing agreement regulating the handling of milk in the Sioux City, Iowa, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Sioux City, Iowa, marketing area would tend to effectuate the declared policy of said act, notice was given, on July 2, 1941, of a public hearing which was held in Sioux City, Iowa, beginning on July 11, 1941, on certain proposals to amend such marketing agreement and such order and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement and such order.

After such hearing and after the tentative approval on September 6, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Sioux City, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 48 is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Sioux City, Iowa, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 48 is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: SEPTEMBER 30, 1941.

[F. R. Doc. 41-7349; Filed, October 1, 1941; 3:06 p. m.]

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[1] See Title 7, Chapter IX, *supra*.
[2] 4 F.R. 1408.
[3] 6 F.R. 1189.

[1] See Title 7, Chapter IX, *supra*.
[2] 5 F.R. 1311.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5006]

AMENDED NOTICE RELATIVE TO CUYAHOGA VALLEY BROADCASTING COMPANY (NEW)

Application dated August 13, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1,270 kc. (1,300 kc. NARBA); power, 1 kw.; hours of operation, daytime.

Upon further examination of the above-entitled application the Commission has *amended* the issues on which the hearing will be based, consolidated the matter with the application of Lake Shore Broadcasting Corp., Cleveland, Ohio (Docket No. 6172), as shown below:

1. To determine the qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To obtain full information with respect to the relationships between M. F. Rubin and the licensees of Stations WJW and WMAN.

3. To determine the areas and populations now receiving interference-free primary service from Stations WJW and WMAN which would receive similar service from the station proposed herein.

4. To determine the type and character of the program service which applicant may be expected to render, and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.

5. To determine the populations and areas which will gain interference-free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

6. To determine whether public interest, convenience and necessity would be served by the granting of this application, the application of Lake Shore Broadcasting Corporation (Docket No. 6172), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Cuyahoga Valley Broadcasting Co., % W. I. Booth, 1017 Euclid Avenue, Cleveland, Ohio.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7362; Filed, October 2, 1941; 9:49 a. m.]

[Docket No. 5968]

NOTICE RELATIVE TO REPORTER BROADCASTING CO. (KRBC)

Application dated September 22, 1939, for construction permit, class of service, broadcast; class of station, broadcast; location, Abilene, Texas; operating assignment specified: Frequency, 1,470 kc.; power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Delta Broadcasting Company, Inc. (WQBC), Docket No. 6166, and H. C. Cockburn, trading as San Jacinto Broadcasting Company (New) Docket No. 6168, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WMBD and Station KRBC as proposed.

3. To determine the areas and populations which would be deprived of interference-free primary service from Station WMBD should Station KRBC operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of Station KRBC as proposed and what other broadcast services are available to these areas and populations.

5. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of Station KRBC as proposed, and Station WQBC as proposed in Docket No. 6166 and a station proposed for Houston, Texas in Docket No. 6168.

6. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the applications of Delta Broadcasting Company, Incorporated, (WQBC), Docket No. 6166, and H. C. Cockburn, trading as San Jacinto Broadcasting Company, Docket No. 6168, public interest, convenience and necessity will be served by the granting of the instant application and said applications of Delta Broadcasting Company, Incorporated, and H. C. Cockburn, trading as San Jacinto Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Reporter Broadcasting Company, Radio Station KRBC, 11th Floor, Hilton Hotel, 984 Fourth Street, Abilene, Texas.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7363; Filed, October 2, 1941; 9:49 a. m.]

[Docket No. 6166]

NOTICE RELATIVE TO DELTA BROADCASTING CO., INC. (WQBC)

Application dated May 7, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Vicksburg, Mississippi; operating assignment specified: Frequency, 1,470 kc.; power, 500 w. night; 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of H. C. Cockburn, trading as San Jacinto Broadcasting Company, (New), Docket No. 6168, and Reporter Broadcasting Company (KRBC), Docket No. 5968, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WQBC as proposed and Station WMBD.

3. To determine the areas and populations which may be expected to lose interference-free primary service from Station WMBD should Station WQBC operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations now receiving interference-free primary service from Station WQBC, which may be expected to lose such service should this application be granted,

and what other broadcast services are available to these areas and populations.

5. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of Station WQBC as proposed, and what other broadcast services are available to these areas and populations.

6. To determine the extent and effect of any interference which would result from the simultaneous operation of Station WQBC as proposed, Station KRBC as proposed in Docket No. 5968 and a station proposed for Houston, Texas, in Docket No. 6168.

7. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the applications of Reporter Broadcasting Company (KRBC) Docket No. 5968 and H. C. Cockburn, tr./as San Jacinto Broadcasting Company, Docket No. 6168, public interest, convenience and necessity will be served by the granting of the instant application and said applications of Reporter Broadcasting Company and San Jacinto Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Delta Broadcasting Company, Inc., Radio Station WQBC, Hotel Vicksburg, Cor. Clay and Walnut Sts., Vicksburg, Mississippi.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7364; Filed, October 2, 1941; 9:49 a. m.]

[Docket No. 6168]

NOTICE RELATIVE TO H. C. COCKBURN, TR/AS SAN JACINTO BROADCASTING CO. (NEW)

Application dated June 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Houston, Texas; operating assignment specified: Frequency, 1,470 kc.; power, 1 kw.; hours of operation, unlimited. (Contingent on channel being vacated by KXYZ).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Delta Broadcasting Company, Incorporated (WQBC), Docket No. 6166, and Reporter Broadcasting Company (KRBC), Docket No. 5968, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Station XESM, Mexico City, Mexico.

3. To determine whether the granting of this application would be consistent with the provisions of the North America Regional Broadcasting Agreement.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station WMBD.

5. To determine the areas and populations which would be deprived of interference-free primary service from Station WMBD as a result of the operation of the proposed station and what other broadcast services are available to these areas and populations.

6. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

7. To determine the extent and effect of any interference which would result from the simultaneous operation of the proposed station and Station WQBC as proposed in Docket No. 6166, and Station KRBC as proposed in Docket No. 5968.

8. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

9. To determine applicant's qualifications to construct and operate the proposed station.

10. To determine whether in view of the facts adduced under the foregoing issues and issues relating to the applications of Delta Broadcasting Company, Inc. (WQBC), Docket No. 6166, and Reporter Broadcasting Company (KRBC), Docket No. 5968, public interest, convenience and necessity will be served by the granting of the instant application and said applications of Delta Broadcasting Company, Inc., and Reporter Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

H. C. Cockburn, trading as San Jacinto Broadcasting Company, 17th Floor, Commerce Building, Houston, Texas.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7365; Filed, October 2, 1941; 9:50 a. m.]

[Docket No. 6172]

NOTICE RELATIVE TO LAKE SHORE BROADCASTING CORP. (NEW)

Application dated July 25, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1300 kc.; power, 5 kw. (DA—night & day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Cuyahoga Valley Broadcasting Company, Cleveland, Ohio (Docket No. 5006), for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholder, to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WOOD, WASH, and WFBR, particularly in view of the distances between said stations and the proposed station.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Stations WOOD, WASH and WFBR.

5. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Stations WOOD, WASH and WFBR as a result of the operation of the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide interference-free primary service to the metropolitan district of Cleveland as contemplated by the Standards of Good Engineering Practice.

7. To determine whether (a) the operation of the proposed station at the selected transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the

population residing within the "blanket area" (250 mv/m contour), and, (b) the proposed antenna array would constitute a hazard to air navigation.

8. To determine the populations and areas which will gain interference-free primary service from the operation of the station proposed herein and what other broadcast services are available to these areas and populations.

9. To determine whether (a) the granting of this application would be consistent with the Standards of Good Engineering Practice, and (b) the authorization requested herein is the best available assignment.

10. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by the provisions of section 307 (b) of the Communications Act of 1934, as amended.

11. To determine whether public interest, convenience or necessity would be served by the granting of this application, the application of Cuyahoga Valley Broadcasting Company (Docket 5006), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Lake Shore Broadcasting Corporation, % Stanton Addams, Agent, 201 National City Bank Bldg., Cleveland, Ohio.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7366; Filed, October 2, 1941; 9:50 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-33]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: MACARONI; SPAGHETTI; VERMICELLI; MACARONI PRODUCT; NOODLES, EGG NOODLES; NOODLE PRODUCT, EGG NOODLE PRODUCT, EGG MACARONI PRODUCT; AND RELATED FOODS

POSTPONEMENT OF HEARING AND AMENDMENT OF NOTICE OF HEARING

The public hearing announced for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing a definition and standard of identity for macaroni and related foods, including those named in the caption hereof, scheduled to commence on October 6, 1941, pursuant to the order of Presiding Officer Alanson W. Willcox postponing the opening thereof from September 29 (6 F.R. 4481, 6 F.R. 4893), is further postponed hereby so that the hearing will be held commencing at 10 o'clock in the morning of November 3, 1941, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C.

Proposals, which are for the purpose of giving notice of the subject matter to be considered and giving direction to the hearing, are set forth below. Interested persons are notified that the hearing is a fact finding proceeding after which it will be determined, in accordance with the Act, whether definitions and standards of identity should be established for the foods referred to herein and what the provisions of any such definitions and standards should be. It is not to be inferred, from the fact that proposals are made, that they represent the views of the Federal Security Agency, or that the evidence to be adduced by the Agency will support each such proposal.

Such proposals are that there be established definitions and standards of identity for the following foods: macaroni; spaghetti; vermicelli; macaroni product; noodles, egg noodles; and noodle product, egg noodle product, egg macaroni product; and all other foods composed of the same ingredients and prepared in the same general manner as any one of such named foods. Further proposals are that definitions and standards of identity be established for other foods of the same class as the foregoing foods, to which have been added, in the process of preparation, in such significant amounts as to characterize such other foods, such ingredients as vitamins and minerals, whole wheat flour, soy bean flours, gluten flour, milk, and vegetables.

There are set forth below definitions and standards of identity for the foods macaroni; spaghetti; vermicelli; macaroni product; noodles, egg noodles; and noodle product, egg noodle product, egg macaroni product, which are suggestive of the type which may be adopted. It is suggested that such definitions and standards of identity as may be established for other foods to which this notice relates name such foods (for example, spinach macaroni; spinach spaghetti; spinach vermicelli; spinach macaroni product; spinach noodles, spinach egg noodles; spinach noodle product, spinach egg noodle product, spinach egg macaroni product) and conform, as nearly as may be, to the definitions and standards of identity suggested below.

§ 16.000 *Macaroni; identity.* (a) Macaroni is the food prepared from dough made from semolina, durum flour, farina, or flour, or any combination of two or more of these, with water and with or without salt as seasoning, by forming the dough into units and drying the units. Such food contains not less than _____ percent (to be fixed within the range of 87 percent to 89 percent) of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official".

(b) Macaroni is in units which are tube shaped and are not more than 0.25 inch in outside diameter.

§ 16.001 *Spaghetti; identity.* Spaghetti is the food which conforms to the requirements for macaroni prescribed by section 16.000 (a), and is in units which are cord-shaped (not tubular) and are more than 0.06 inch, but not more than 0.11 inch, in diameter.

§ 16.002 *Vermicelli; identity.* Vermicelli is the food which conforms to the requirements for macaroni prescribed by § 16.000 (a), and is in units which are cord-shaped (not tubular) and are not more than 0.06 inch in diameter.

§ 16.003 *Macaroni product; identity.* Macaroni product is the food which conforms to the requirements for macaroni prescribed by § 16.000 (a), and is in units which are of such shape and size that they do not conform to the shape and size of units prescribed for macaroni by § 16.000 (b), or for spaghetti as prescribed by § 16.001, or for vermicelli as prescribed by § 16.002.

§ 16.010 *Noodles, egg noodles; identity.* Noodles, egg noodles, is the food prepared from dough made from semolina, durum flour, farina, or flour, or any combination of two or more of these with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, or dried yolks, or any combination of two or more of these, with or without water, by forming the dough into ribbon-shaped units and drying the units. The dough may be seasoned with salt. Noodles contain not less than ____ percent (to be fixed within the range of 87 percent to 89 percent) of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official." The total solids of noodles contain not less than ____ percent (to be fixed within the range of 5.5 percent to 6.5 percent) of egg solids.

§ 16.011 *Noodle product, egg noodle product, egg macaroni product; identity.* Noodle product, egg noodle product, egg macaroni product, is the food which conforms to the definition and standard of identity prescribed for noodles by § 16.010, except that it is in units which are not ribbon-shaped.

All interested persons are invited to attend the hearing, either in person or by representative, and to offer evidence relevant and material to the subject matter of the proposals.

Alanson W. Willcox hereby is designated as presiding officer to conduct the postponed hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings, as published in the FEDERAL REGISTER for June 26, 1940 (5 F.R. 2379–2381).

In lieu of personal appearance, interested persons may offer affidavits by delivering the same to the presiding officer at Room 2242, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., not later than the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate, and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in affidavits. Every interested person will be permitted to examine the affidavits offered and to file counter-affidavits with the presiding officer.

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

OCTOBER 1, 1941.

[F. R. Doc. 41–7397; Filed, October 2, 1941; 11:26 a. m.]